

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

DEPAUW UNIVERSITY,)
)
Plaintiff,)
)
v.) CAUSE NO.: 2:05-cv-0249-RLY-WGH
)
HENNESSEE GROUP, LLC,)
CHARLES GRADANTE and)
E. LEE HENNESSEE,)
)
Defendants.)

**SECOND MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT
(WITH PLAINTIFF'S CONSENT)**

Defendants Hennessee Group, LLC, Charles Gradante and E. Lee Hennessee (collectively "Defendants"), by their counsel, move for entry of an Order, extending by 10 days, to and including January 6, 2006, the time in which Defendants may answer, move or otherwise respond to the complaint. In support of this motion, Defendants state:

1. Defendants' answer, motion or other response to the complaint is due December 27, 2005, which time has not expired.
2. Additional time is necessary to prepare and file an adequate response, and the requested extension is not sought for purposes of undue delay.
3. On December 23, 2005, plaintiff's counsel David Herzog returned our telephone call and left a voice mail message stating that plaintiff consents to the requested 10-day

extension, so long as such extension will be the last extension of the response date and defendants agree to afford plaintiff the same courtesy if it requires additional time.

WHEREFORE, Defendants pray for entry of an Order, extending by 10 additional days, to and including January 6, 2006, the time within which they may answer, move or otherwise respond to the complaint.

Respectfully submitted,

*s/ Lee B. McTurnan
s/ Wayne C. Turner
s/ Anne L. Cowgur*

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Attorneys for Defendants Hennessee Group, LLC,
Charles Gradante, and E. Lee Hennessee

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2005, a copy of the foregoing "Second Motion For Extension Of Time To Respond To Complaint (With Plaintiff's Consent)" was filed electronically. Notice of this filing will be sent to the following persons by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

David K. Herzog
Matthew T. Albaugh
Baker & Daniels
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s/ Anne L. Cowgur

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